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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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			EXAMINER GEORGE, KEITH M	
			ART UNIT 2663	PAPER NUMBER

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/519,848

Applicant(s)

KANURI ET AL.

Examiner

Keith M. George

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 8-11 is/are allowed.
- 6) ☒ Claim(s) 3-7,12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffman et al., U.S. Patent 6,094,435, hereinafter Hoffman. Hoffman teaches layer 2 information stored in a memory. The entry contains information relating to source and destination aging. Destination aging in the network element indicates which layer 2 and layer 3 entries are active (determine an application state). The information implements in accordance with IEEE standard 802.1d type address aging (delete an address entry from a network switch address table based on the application state) (column 16, lines 43-53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Perlman et al., U.S. Patent 5,128,926, hereinafter Perlman. Hoffman teaches the method described in reference to claim 1 above with the possible exception of storing a plurality of templates configured for identifying the application state. Perlman teaches that information is communicated through a network along a myriad of links interconnected by nodes. Each node must know the states (e.g., operative or inoperative) (identify the application state) of the links in the network in order to send packets along effective paths (column 1, lines 20-28). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the knowledge of application state taught by Perlman in the aging method of Hoffman. One of ordinary skill in the art would have been motivated to do this in order to send packets along effective paths to their respective destinations, avoiding, for example, faulty links or routers (Perlman, column 1, lines 26-28).

5. Claims 8-9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Kadambi et al., U.S. Patent 6,104,696, hereinafter Kadambi.

6. Referring to claims 8 and 11, Hoffman teaches the method described in reference to claim 1 above with the possible exception of an application-specific aging timer configure for counting an application-specific aging interval. Kadambi teaches that each Ethernet Port Interface Controller (EPIC) is provided with an age timer and in figure 18, step 18-1, it is determined whether the age timer has expired. Kadambi goes on to teach in step 18-8 that if the hit bit is not set, the ARL entry is deleted (column 22, line 63 - column 23, line 17). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the aging timers of Kadambi in the aging method of Hoffman. One of ordinary skill in the

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art would have been motivated to do this to ensure that only current and active address information is maintained in the tables (Kadambi, column 22, lines 32-34).

7. Referring to claim 9, Hoffman and Kadambi teach the method described in reference to claim 8 above with the possible exception of resetting the timer in response to detecting and access of the address entry. Kadambi teaches in step 18-6 to check the hit bit and if it is set the method proceeds to step 18-3 and the entry is not deleted.

Allowable Subject Matter

8. Claims 3-7 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 14 October 2003 have been fully considered but they are not persuasive.

10. On page 7 of the Amendment filed 14 October 2003, referring to claims 1 and 10, applicant argues that Hoffman neither discloses nor suggests the claimed determining an application state for a prescribed network application from a received layer 2 data packet. In response, Hoffman has clearly shown layer 2 information stored in a memory. The entry contains information relating to source and destination aging. Destination aging in the network element indicates which layer 2 and layer 3 entries are active. Determining which layer 2 and layer 3 entries are active is equivalent to determining an application state for a prescribed

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network application. Applicant's suggestion that the claims were interpreted too broadly is not persuasive. The claims were given the broadest reasonable interpretation without being inconsistent with the specification. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., where the layer 2 data packets will include payload information that specifies the prescribed network application state, for example a request to initiate a session, acknowledgement, communication during the session, a request to terminate the session, and acknowledgement, communication during the session, a request to terminate the session, and acknowledgement of termination of the session) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. On page 8 of the Amendment, referring to claim 2, applicant argues that Perlman neither discloses nor suggests the claimed determining the application state. In response, as was shown above, Hoffman teaches determining the application state. Applicant also argues that Perlman does not teach storing within a network switch port a plurality of templates configured for identifying the application state from respective available application states of the prescribed network application. In response, Perlman clearly teaches that each node must know the states (e.g., operative or inoperative) of the links in the network in order to send packets along effective paths. In order for Perlman to determine the operative or inoperative status of the links, it would be inherent for Perlman to have a reference to use to determine the status; this reference in each node is a template.

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12. On page 8 of the Amendment, referring to claims 8-9 and 11, applicant argues that neither Hoffman or Kadambi disclose nor suggest an application-specific aging timer configured for counting the application-specific aging interval for a prescribed network application. In response, Kadambi is clearly teaching an aging timer and the aging timer is specific to the application described. Kadambi clearly teaches that the aging process is only performed on entries where the port referred to belongs to the particular module which is performing the aging process (column 23, lines 20-24).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Keith M. George
9 January 2004



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 1/12/04